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THE LORD DIGBIES
Speech to the Bill of Attainder
OF THE EARLE OF
STRAFFORD.

TORNE IN PEICES,
AND BLOWNE AWAY.



Printed in the year 1641.

1907



A PRINTED PAPER
CALLED

THE LORD DIGBIES
Speech to the Bill of Attainder
OF THE EARLE OF
STRAFFORD.

Torne in peices and blowne away.

THe sandg, that is the incoherent selfe-devid-
ing & selfe-forfaking speech, that endeavours
to show how the same man, might both cōdemne
and acquite the same man (the Earle of *strafforde*)
doth not so much call for the stroke of an hammer,
to batter it, as a puffle of wind to blow it away, to
encounter it with the Votes of the two houses of
Parliament, with the United opinion of the Iud-
ge, with the learned Argument in Westminster
Hall (before the Cōmittees of both houses) were
to Kill a fly with an Axe, and to honor, rather then
to overthrow it. For certainly the strength of it,
is onely great in the kindnesse (that I say not the
weakenesse) of the Reader, stealing a way the af-
fection, not convincing the Iudgment; if Argu-
ments be railed from it; they are such as neede an
Hospiwall, being blinde and lame, if Arguments

be raised against it the speech falls before them,
like grasse before the Mower.

Will you see an Argument of this paper, and
indeed a paper Argument?

If it doth not appeare to him by two Testimo-
nyes, that the Army of Ireland was to bee brought
over to reduce this Kingdome then the Earle of
Strafford is not guilty of High Treason.

Now doth he beleue himselfe in this proposi-
tion, when he seeth divers other charges of Treason
besides laide against him; if three or foure trea-
sons bee objected and proued, is it a sufficient
cause of cleareing if oh be not proued to his mind,
and as he sayes but by a single Testimony, though
the other by more? if the Authour can not bee
drawne to a better beleife by the cordes of Reason,
I thinke he would certainly be drawne to it, by
the cordes of a comparison. If himselfe were tyed
with three or foure cordes, and a friend had freed
hym from one, would he tell his friend, let me a-
longe for I am free enough, though I am bound by
the rest; surely I thinke the other cordes (after
some stay at least) would perswade him to change
his minde by his inability to change his place.

But faults in this paper doe not goe alone
For is he not willingly blind when he sees not the
very clause, Of reducing this Kingdome by an
Irish Army manifestly appearing in the former,
and as it were looking him in the face? For a for-
mer Testimony of two witnesses saith, that his
Majestie is absolved from all rules of Government
and may doe what power will giue; *compulsio*
most

most besides himselfe doe see what power will admitte the vse of an Irish Army and any other that the same power can purchase, or command. So that where hee quarrels for want of an Irish Army hee hath gotten now about his eares, *Irish, English, Dutch, &c.*

But yet againe he multiplies and is fruitfull in absurdities. He sayes, that he hath no notion of subverting Law treasonable but onely by force; certainly this Argument then will neuer subvert the Law, for it hath no force in it, it is an Argument taken onely from his owne Ignorance, and runs, or rather haults thus, he knowes no other therefore there is no other: to frame this right it should run thus,

There is no way of Subverting the Law, but that which I know, but I know no way of subverting the Law, but by force. Now in the first of these is too much knowledge, and in the latter too much Ignorance,

But who sayth this? Is it some auncient Iudge or Father of the Law, that hath swallowed and digested the great volumes of that iudicious and weighty profession? Or is it the speech of one that lookes more into the Courte then the Inns of Court? I pray behold an Engine strongly framed to lift up and overpoise the trust and beleife of a whole Kingdom in point of Law, *A young gentleman knows it not.*

But if he be not skilfull in common Law, he may be somewhat skilfull in common Reason, and I may tell him, that if nothing but force

can subvert Law, then Judges. can not subvert Law upon the seates of Iustice; For though they willfully pronounce iudgment contrary to Law; stop lawfull defences. and rob the Subject of the benefit of Law. and let loose the prerogative upon the Law to destroy it, except they drive the Subjects away from Courts of iustice by Halberds & Guns; they may take the Law from them by false iudgments, denying *Prohibitions Hab. as corpus*, & all Legall Remedies and yet not subuert the Law. If this Authors estate should be lost by this way of Injustice, he may comfort himselfe (and let it be his comfort alone) that it is not lost by Subverting the Law: O unhappy *Tresilian* that thou dost not live in the times, when such Patronages might have bene given thee, for then mightst thou have lived out thy time, since thou couldst not commit Treason by subverting the Iron Lawes but onely by Iron.

And now I am fallen upon *Tresilian*, I may not forget this Authors Argument, to which this *Tresilian* will giue an vnhappy conclusion.

He argues thus:

The Earle of Straffords practises have beene as high, as tyrannicall, as ever any. But the practises of *Tresilian* and others have beene as high as high-Treason. Therefore the Earle of Straffords practises have benee as high as high Treason.

Thus you see how this Author with the helpe of *Tresilian* hath pronounced sentence against the E. of Strafford. So that if he had no other Iudge this one thus assisted would condemne him, when
he

he goes about to save him.

But that is nothing to the purpose, that he is condemned; for though he be condemned; and so condemned, that hee can never be absolved till he be dispatcht into another world, yet this Author will not have a hand in this dispatch.

A mercifull Inference and most unsutable to the premises, especially if it come out of the mouth of a Iudge. Marke how it soundes in such a mouth, I being a Iudge condemne you as guilty of murder or of as high a treason as ever any, but I will have no hand in your sentence or dispatch.

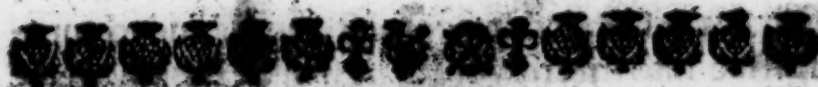
If Iudges should ride their Circuits and end their Assises in this Logicke, granting the premises, and denying the conclusion, were it not most vaine & a meere mockery of iustice? For it were only to find fautes and not to correct them, and to turne iustice into meere wordes. It would shortly make a kingdome a den of Theeves, murderers and Traytors, and safe for none to dwell in; no not for those that teach this doctrine; though they may be thought by teaching to deserve it. *Nec enim Lex equat vlla &c.*

Lastly, who can beleeeve this mans suspicions rather then *Sr. Henry Vanes* Oath vpon advised Recollection? And oath that gets an addition of beleife from the speeches going before (joyntly testified by the Truly Noble Earle of *Northumberland*) and backt by a memoriall written the same day when the words were spoken: which words cald venomous by this paper, had their venome from the speaker, not the hearer, and be-

being Recorded the same day wherein they were
spoken; did arise thereby to such a pregnancy
of Testimony, that it became very great, and
might in a wise mans eye (be it *Car. Pym* or any
other) looke very feare as big as two.

But though the Testimonies be big, or many,
and the charges many also, and the Earle of
Stratford as high and Tyrannicall in practises as
ever any (by this authors confession) yet he must
at once be both condemned, and saved.

Though in his saving, the *Voies* of
both Houses be condemned, and
the Kingdome and law in danger
not to be saved.



FINIS.

